

PINE ORCHARD ASSOCIATION MINUTES OF EXECUTIVE BOARD MEETING

Monday, March 15, 2021 @ 7:00 pm

The meeting was called to order at 7:00 p.m. (The meeting was conducted by using the Zoom application.)

Board members present: Robert Dahill, Robin Sandler, Dick Greenalch, Peggy Haering, Seth Hershman, Mark Law, Ray Seligson. Linda Sachs.

Board members absent: Joe Thomas, Peggy Taylor, Len Farber and Bruce Calderone

The President Bob Dahill opened the public meeting to receive public comments and consider a proposed amendment of the Pine Orchard Association Zoning Ordinance to allow patios to be placed within the property set back lines. A copy of the proposed amendment is on file in the POA office, the Office of the Town Clerk of the Town of Branford, and has been posted on the POA website at www.poa-ct.org.

Jeanne Hughes voiced opposition to the proposed amendment. She said that people use their patios and that having a patio close to the property line can be very invasive for neighbors. She said that people count on the Pine Orchard's stricter zoning rules, and asked what's the point of doing things differently?

Jim Killellea of 22 Halstead Lane questioned why patios had been inserted in the accessory building section in the first place. He proposed defining "patio" as a ground level paving that was conducive to be used for socializing.

Kimberly Nevin of 2 Hart Avenue commented that a number of properties in Pine Orchard are land-locked. She is very much in favor of removing the restriction.

Remy Zimmerman said that if you extend patios people will be encouraged to sit on them. He likes the present rule. People can sit out on the lawn if they care to.

Joe Sepot said that no other town has similar restrictions on placement of patios. He asked how it could be enforced. He commented that there is no distinction between a patio or a driveway; if you want to have a party, there's no problem. In his view, zoning is about density and he is surprised that the restriction is in the regulations in the first place. He is in favor of the amendment.

Jeanne Hughes said that regulations were put into place a number of years ago by the founders of Pine Orchard.

Joe Sepot said that he doesn't know how long this provision has been in place.

Sue Barez said that her husband Matt and applied for a variance for a patio. She thinks the current rule is ridiculous. She is offended by people who want to restrict their use of their property. A small lot is a sacrifice that you make to live here. She feels that the restriction is just silly. Their proposed patio will “improve their property” .

Stephan Ariyan of 16 Yowago Avenue feels there’s a tendency not to change things. We should be more sensitive to neighbors. He thinks that its’ unreasonable not to allow this change.

Ray Seligson, does not feel that the proposed change is a big deal. He feels that it would be a minimal difference.

Robin Sandler of 15 Hart Avenue said that a patio is a landscape feature. People come to Pine Orchard to enjoy their homes and allowing a patio within the setback would be a minimal intrusion.

Joe Sepot commented that if you live near the water you normally have smaller lot sizes.

Hashim Sabet, 10 Ozone Rd., said that the joy an owner gets from a patio exceeds any disturbance to neighbors.

Bob Dahill referred to the current inclusion of patio within Section 4.3 of the Zoning Ordinance under “accessory buildings” He proposed that we might consider deleting patios from the section on “accessory building” but provide a definition that a patio can only be constructed at natural grade.

Jefferey Sonnenfeld, 2 Blackstone Ave. said that it is not that hard to define what a patio is; limiting it to something at grade level might restrict fire pits, benches or porticos.

Kimberly Nevin commented that the rear set back of 20 feet and side setbacks in Pine Orchard are such that some owners could not even create a patio.

Bob Dahill proposed defining the word “patio” in the Zoning Ordinance as a paved or flat area that was built at natural ground level.

Eric Rose of 26 Selden Ave. said that Zoning Regulations do not regulate behavior and it is not the role of zoning to restrict behavior. There is no regulation about how neighbors should behave. This community has many non-conforming lots. It is unfortunate that our regulations affect patios. No one ever asked the ZBA about patios before. Eric felt that the ZBA denial of a variant here was unfair because no permit is required to construct a patio.

Jeff Sonnenfeld said that there should be limits on the size of patios, and that gazebos and firepits within the setbacks should be prohibited.

Remy Zimmerman felt that the restriction of a patio to ground level would preclude construction of fire pits below ground level or constructions of outdoor kitchens above.

Dick Greenalch said that there would be no amendment to the proposed zoning ordinance at tonight's meeting.

Rich Colbert of 2 Halstead Lane asked whether we have explored considering patios on a case-by-case basis and allowing people to demonstrate a need for this.

Dick Greenalch replied that it is not the role of the ZBA to give case-by-case rulings.

Jeanne Hughes cited concerns about run-off from a patio and asked whether there is any guidance on this. Ray Seligson said that you cannot create a drainage condition. Jeanne Hughes said that by building a patio close to the property line you are creating circumstances that would lead to runoff. Jeanne stated that a patio is appurtenant to a house. Someone could pave a large lot. She thinks there is a reason for setbacks. This amendment would change the character of land use and she thinks it is dangerous.

With regard to the suggestion that we limit patios to those constructed at natural grade level, Mark Law said that any modification of the proposed amendment could not take place during this public meeting. He said that the Board could vote on the amendment as presented, modify it at a subsequent meeting, reserve for further comments or post any revisions for another public meeting.

Peggy Haering asked what would happen if someone wanted to construct an outdoor kitchen in the setback. The response was that railings would need to be approved as would a gazebo or a portico.

John Lapidés said that when he built his house on Halstead Lane, he had to abide by all the rules. Once you change the rules you lose control; people will be sitting on or cooking on their patios.

Bob Dahill asked about confining patios to those built at natural grade and whether that might solve the problem.

Eric Rose said that nothing in the Zoning Regulations requires a homeowner to have grass. In his view all accessory buildings are social in nature. He said that the Town of Branford doesn't affect patios.

Robin Sandler suggested that Joe Sepot might be able to help with a definition of the word "patio".

Jeanne Hughes does not feel that there was enough information to resolve this issue at present.

Bob Dahill said that the committee needs guidance on this process and wants to know what would work for the community? He observed that many homes in Pine Orchard may be built into the setbacks.

John Lapidés asked why would you apply for a variance for these rules? Ray Selgison said that the current rule was unreasonable.

Matt Barez said that he doesn't want to cut grass.

John Lapidés feels that people in the community need to abide by the setback rules and should follow the zoning laws.

Upon motion and second, the Board voted to close public comment on the proposed amendment.

Mark Law observed that the Board could either approve the amendment as is or come back in the future to consider changes.

Dick Greenalch wants to consider further clarification of the language and will notify the public of any change. It is not clear that there is a requirement for a second hearing on this issue. Dick said that he is not sure that ground level should be the only requirement for a patio.

Robin Sandler proposed referring the issue to the Committee for clarification of language. Dick Greenalch will work on proposed language and then set up a meeting.

Upon motion and second, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk